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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Robert J. Brockway

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05/12/2010

ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ZPS)

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EXAMINER

STORMER, RUSSELL D

ART UNIT

PAPER NUMBER

3617

NOTIFICATION DATE

DELIVERY MODE

05/12/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@zpspatents.com

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***Response to Amendment***

The reply filed on March 12, 2010 does not place the application in condition for allowance because of the following omissions:

The Response does not include a Supplemental Reissue Declaration as required when any "error" under 35 U.S.C. 251 has been corrected and the error was not identified in the original reissue declaration. See MPEP 1414.1

Inasmuch as the claims have been amended substantially since the previous reissue declaration was filed on October 30, 2008, a new reissue declaration is required.

The first page of the declaration filed October 30, 2008 used an incorrect reissue application number, and a new declaration will correct this informality.

The new declaration should be filed using a form PTO/SB/51 and not a PTO/SB/51S.

The error recitation for claims 1-5 cannot be changed because it is a surrender-generating limitation. To modify it is to invoke recapture. Moreover, claims 1-5 have been amended to their original patented form, i.e., they are no longer amended with respect to the patent.

Claim 13 is now cancelled.

Claim 14 is an independent claim which was amended in the Response filed March 12, 2010, but is not mentioned in the previous declaration.

Claim 20 is a dependent claim which has been amended.

The error statement should be written in a manner which reflects the differences between the patented independent claims and the added new independent claims. The error (only one is required) must recite the error in terms of what is defective with the patent claims in terms of specific claim language. The differences between the patent claims and the added claims must be recited.

Finally, the new declaration must include a new "no deceptive intent" statement is required for the changes made subsequent to the last amendment.

Therefore, entry of the amendment filed March 12, 2010 will not be entered at this time because it would raise new issues.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Russell D. Stormer/  
Primary Examiner, Art Unit 3617